

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDDYSTONE RAIL COMPANY, LLC,

Plaintiff,

v.

BRIDGER LOGISTICS, LLC, *et al.*

Defendants.

Case No. 2:17-cv-00495-JDW

ORDER

AND NOW, this 20th day of September, upon consideration of Plaintiff Eddystone Rail Company, LLC's Motion To Interpret Nondisclosure Agreements Of Defendants Julio Rios And Jeremy Gamboa (ECF No. 461) and the BL/FG Defendants' Cross-Motion For Protective Order (ECF No. 469), and for the reasons set forth in the accompanying Memorandum, it is **ORDERED** as follows:

1. Eddystone's Motion to Interpret Nondisclosure Agreements of Defendants Julio Rios and Jeremy Gamboa (ECF No. 461) is **GRANTED**;
2. The BL/FG Defendants' Cross-Motion for Protective Order (ECF No. 469) is **DENIED**;
3. Eddystone's counsel may conduct *ex parte* interviews with Defendants Julio Rios and Jeremy Gamboa (and obtain any follow-up documentation) regarding the four transactions set forth in the Court's Order dated June 28, 2019 (the "Crime-Fraud Order") (ECF No. 333);

4. After each interview, counsel for Eddystone and counsel for Messrs. Rios and Gamboa shall each file a certification on the docket, certifying that the interviews were limited to discussing the four transactions identified in the Crime-Fraud Order;

5. After each interview, counsel for Messrs. Rios and Gamboa shall also file a certification on the docket, certifying that his clients did not reveal any privileged information during the course of those discussions or otherwise violate their obligations under the Joint Defense Agreement with the BL/FG Defendants;

6. Before producing any follow-up documentation to Eddystone, Messrs. Rios and Gamboa shall provide copies of the documents to the BL/FG Defendants and give the BL/FG Defendants an opportunity to raise a claim of privilege;

7. Five business days after receiving any such documents, the BL/FG Defendants may raise a claim of privilege by providing a privilege log to Messrs. Rios and Gamboa and Eddystone. Messrs. Rios and Gamboa may produce any documents that are not listed on the privilege log to Eddystone forthwith;

8. Five business days after receiving the privilege log, Eddystone may present any objections to the BL/FG Defendants;

9. Thereafter, the Parties shall have five business days to resolve any objections;

10. If the Parties cannot reach agreement regarding any alleged privileged documents, they shall file a joint submission on the docket, setting forth

each Party's position as to each document, on a document-by-document basis;
and

11. If the Parties reach an agreement that any document on the privilege log is not subject to a claim of privilege, then Messrs. Rios and Gamboa may produce that document to Eddystone.

BY THE COURT:

/s/ Joshua D. Wolson
JOSHUA D. WOLSON, J.